



U.S. Department of
Transportation
Office of the Secretary
of Transportation

NOTICE OF ACTION TAKEN

Docket OST-98-3331

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Alitalia-Linee Aeree Italiane-S.p.A.**

Date Filed: January 15, 1998

Relief requested: RENEW exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of property and mail between Italy and Miami, FL.

If renewal, date and citation of last action: February 21, 1996, Order 96-2-38

Applicant representative: Richard Mathias/Cathleen Peterson 202-298-8660

Responsive pleadings: On January 15, 1998, Alitalia informed us that it had polled the parties served with its application and that, with one exception, none objected to our acting in advance of the normal answer date (January 30, 1998) or to the merits of the application itself. Alitalia further informed us that the International Association of Machinists and Aerospace Workers (IAM) advised it that it opposes this application for the same reasons, having to do with labor concerns, that it opposed Alitalia's previous application for this authority (*see* Order 96-2-38, Docket OST 95-789).

DISPOSITION

Action: **APPROVED IN PART; REMAINDER DISMISSED**¹ Action date: **JANUARY 16, 1998**

Effective dates of authority granted: **JANUARY 16, 1998, thru JANUARY 16, 1999**

Basis for approval/Remarks: The authority is provided for in the U.S.-Italy Air Transport Agreement, as amended. With respect to the labor concerns expressed by the IAM in Docket OST 95-789, we continue to believe, as we said in Order 96-2-38, that labor issues such as those raised by the IAM were beyond the scope of foreign carrier licensing proceedings, and that the labor statutes provide the appropriate mechanism for addressing these matters.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

- ☐ Standard exemption conditions (attached)
- ☒ Foreign air carrier permit conditions (Order 71-4-1)

Action taken by: Paul L. Gretch, Director
Office of International Aviation
under assigned authority (14 CFR 385)

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

¹ The applicant requested that the authority be effective for a period of two years. We dismissed that portion of the carrier's application to conduct the operations beyond January 16, 1999, without prejudice to refiling at a later date. The duration of this authority is consistent with our usual policy of granting interim authority. (*See*, for example, Order 92-8-34.)